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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,839	10/23/2001	Christophe Gourraud	P15282US1	9172

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EXAMINER
PHILLIPS, HASSAN A

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/682,839	GOURRAUD ET AL.
	Examiner	**Art Unit**	
	Hassan Phillips	2151	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _26 November 2004_.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-24_ is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-24_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is in response to amendments filed November 26, 2004.

Response to Arguments

1. Applicant's arguments with respect to claims 1-24 have been considered but

are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-24, are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lee U.S. Patent Pub. No. 2002/0073220, in view of Desrochers et al. (hereinafter

Desrochers) (see applicant IDS).

3. In considering claims 1, 11, and 22, Lee teaches a telecommunications

network comprising a program service provider (114) connected to a plurality of

program content providers (116), a method of performing program-on-demand from a

terminal (112), the method comprising the steps of:

a) Receiving a program request by the service provider from the terminal, the

program request comprising a program list including one program identification for each

of a plurality of selected streaming programs offered to the terminal;

b) responsive to step a), determining, by the service provider, a content provider

storing a first program (P1) from the plurality of selected streaming programs included in

the program list, wherein step b) is performed using a table associating program

identifications with content providers; and

c) establishing by the service provider, a first session between the terminal and

the content provider storing the first program P1 for streaming the first program P1 over

the first session from the content provider storing the first program P1 to the terminal.

See pages 3 and 4 paragraphs 34-37. Also see Fig. 1.

Although the disclosed system and method of Lee shows substantial features of

the claimed invention, it fails to explicitly disclose: using a Session Initiation Protocol

(SIP).

Nevertheless, in a similar field of endeavor Desrochers discloses a method in a

telecommunications network wherein a web server connected to a media player

comprises: facilitating an SIP session between an SIP client and the media player. See

sections 2 and 3, also see Fig.'s 2-4.

Thus, given the teachings of Desrochers, it would have been obvious to a person

of ordinary skill in the art, at the time of the present invention, to modify the teachings of

Lee to show utilizing SIP for performing program-on-demand. This would have

advanced the teachings of Lee, with current technology at the time, by utilizing a

protocol that was being adopted by key players in the telecommunications industry,

Desrochers (abstract).

4. In considering claims 2 and 12, the combined teachings of Lee and

Desrochers provide a means for:

e) releasing the first SIP session between the SIP terminal and the content

provider storing the first program P1;

f) following the release of the first SIP session, determining in the service

provider a content provider storing a second program (P2) from the plurality of selected

programs;

g) the service provider establishing a second SIP session between the SIP

terminal and the content provider storing the second program P2; and

h) streaming from the content provider storing the second program P2 to the SIP

terminal the second program P2 over the second SIP session.

See Lee pages 3 and 4, paragraphs 36 and 37. Also see Desrochers sections 2

and 3, and Fig.'s 2-4. One of ordinary skill in the art would combine the teachings of

Lee with Desrochers for the same reasons indicated in consideration of claim 1.

5. In considering claims 3 and 13, the teachings of Desrochers provides a

means for:

i) sending a first INVITE message from the service provider to the SIP terminal

for establishing a first leg of the first SIP session; and

j) sending a second INVITE message from the service provider to the content

provider storing the first program P1 for establishing a second leg of the first SIP

session. See Fig.'s 2-3, steps 2 and 6. Also see Fig. 4. One of ordinary skill in the art

would combine the teachings of Lee with Desrochers for the same reasons indicated in

consideration of claim 1.

6. In considering claims 4, 14, and 23, the teachings of Desrochers provides a

means for: sending a Parlay/OSA RouteReq() message from a service application of

the service provider to a Parlay/SIP converter, the Parlay/OSA RouteReq() message

being indicative of a request for the establishment of the first leg of the first SIP session;

and upon receipt of the Parlay/OSA RouteReq() message, the Parlay/SIP converter

converting the Parlay/OSA RouteReq() message into the first INVITE message; and the

Parlay/SIP converter sending the first INVITE message to the SIP server; wherein the

step i) of sending the first INVITE message from the service provider to the SIP terminal

includes sending the first INVITE message from the SIP server to the SIP terminal. See

Fig.'s 2-3, steps 1 and 2. Also see Fig. 4. One of ordinary skill in the art would combine

the teachings of Lee with Desrochers for the same reasons indicated in consideration of

claim 1.

7. In considering claims 5 and 15, the teachings of Desrochers provides a means for: sending a Parlay/OSA SendInfoRequest() message from the service application to the Parlay/SIP converter, the Parlay/OSA SendInfoRequest() message being indicative of a request for the establishment of the second leg of the first SIP session; and upon receipt of the Parlay/OSA SendInfoRequest() message, the Parlay/SIP converter converting the Parlay/OSA SendInfoRequest() message into the second INVITE 1 message; and the Parlay/SIP converter sending the second INVITE message to the SIP server wherein the step j) of sending the second INVITE message from the service provider to the content provider includes sending the second INVITE message from the SIP server to the content provider. See Fig.'s 2-3, steps 5 and 6. Also see Fig. 4. One of ordinary skill in the art would combine the teachings of Lee with Desrochers for the same reasons indicated in consideration of claim 1.

8. In considering claims 6, 16, and 24, Lee teaches sending a program request over an HTTP (Hyper Text Transfer Protocol) link over the Internet connecting the terminal and the service provider. See page 3, paragraph 34.

9. In considering claims 7 and 17, the teachings of Lee provide a means for streaming a program data of a first program P1 from the content provider to an SIP terminal using a Real-Time Protocol (RTP) over a first SIP session. See pages 3 and 4, paragraph 37.

10. In considering claims 8 and 18, the teachings of Lee provide a means for

releasing a first SIP session between an SIP terminal and a content provider storing the

first program P1 following a termination of the first program P1. See page 3, paragraph

36.

11. In considering claims 9 and 19, the combined teachings of Lee and

Desrochers provide a means for releasing the first SIP session between the SIP

terminal and the content provider storing the first program P1 responsive to a stop

request message sent from the SIP terminal to the service provider for stopping the

streaming of the first program P1. See Lee page 4, paragraph 41. Also see

Desrochers sections 2 and 3, and Fig.'s 2-4.

12. In considering claims 10 and 20, the combined teachings of Lee and

Desrochers provide a means for releasing the first SIP session between the SIP

terminal and the content provider storing the first program P1 responsive to a skip

request message sent from the SIP terminal to the service provider for skipping the

streaming of the first program P1. See Lee page 4, paragraph 41. Also see

Desrochers sections 2 and 3, and Fig.'s 2-4.

13. In considering claim 21, the teachings of Lee provide a means for the content

provider storing the first program P1 to comprise a Program Media Player for streaming

a program data of the first selected program P1 to the terminal using RTP over the first

SIP session, following establishment of the first SIP session. See page 4, paragraphs

40 and 41.

Conclusion

1. Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Hassan Phillips whose telephone number is (571)

272-3940. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

HP/
12/13/04

ZARNI MAUNG
SUPERVISORY PATENT EXAMINER